T.W.S. Inc.

opposite c/l of Marblehead Road * DEPUTY ZONING COMMISSIONER * OF BALTIMORE LOUNTY 8th Election District 3rd Councilmanic District * Case No. 89-280-A

Petitioner * * * * * * * * *

FINDINGS OF FAC" 'ND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a window to property line distance of 10 feet in lieu of the required 15 feet, and to amend the Final Development Plan of The Fields At Seminary, Lot #14, accordingly, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Douglas C. Corbin, Vice President of T.W.S., Inc., and the Contract Purchaser, NV Homes, by Ross Walton, Division Manager and Vice President, and Bill DeMarco, appeared, testified and were represented by Robert J. Ryan, Esquire. Also appearing on behalf of the Petition was Sam Shockley with Development Engineering Consultants, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 8 Eastport Court (Lot 14), zoned D.R. 2, is part of a 31-lot development known as The Fields of Seminary II. NV Homes has the contract to purchase all of the lots from T.W.S., Inc. Mr. Walton testified regarding NV Homes' experience in building homes in the Baltimore, Washington, Delaware, and McLean, Virginia areas, and in particular, their previous developments in Baltimore County. ... le further testified that after completing a marketing analysis of the area, it was determined that there was a need for larger, executive style homes in the area. As a result, NV Homes felt this particular development should have homes such as the Potomac, the Kingsmill and

the Harrison of their line. Copies of the floor plans for each style were presented and identified as Petitioner's Exhibits 2A through 2C. The size of each home will range from 2,500 sq.ft. to 4,000 sq.ft. on an average lot size of 1/4 acre. Mr. Walton testified that after numerous attempts to appropriately position these houses on each of the lots, it was determined that variances would be required for 9 of the 31 lots.

Testimony presented by Petitioner's witnesses indicated NV Homes firmly believes either no variances would be needed or a much smaller size variance would be required if no windows were placed in the sides of the houses. However, such a decision would not take into consideration the desires of potential homeowners. Testimony presented indicated that windows on the sides were preferrable for various reasons, including cross-ventilation, additional lighting and aesthetic appeal. Petitioner further noted that many of the windows will be installed in such a way that adjoining properties will not have dwellings with windows located directly across from one another.

Counsel for Petitioner argued that the spirit and intent of the zoning regulations had been met by the proposed plans and that flexibility was needed due to the change in marketing demands and housing costs. Counsel further argued the property is subject to the regulations which went into effect in 1970 and that said regulations do not adequately reflect todays' market and the increase in the cost of the property.

Petitioners argued that to deny the requested variances would create tremendous practical difficulty upon the Petitioners without benefiting the community. Counsel indicated potential property owners and persons who might be adversely affected by the granting of the variances would be protected due to the fact that all parties will be advised of the

variances prior to their purchase of any of the subject lots and therefore have the ability to determine whether or not such variance will adversely affect the enjoyment of their property. Petitioner contended the lots could not be resubdivided to reduce the number of lots by one or two to give additional acreage for each lot to meet setback requirements without a "two year" delay in development.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

In the opinion of the Deputy Zoning Commissioner, the variances requested herein are appropriate in some instances and excessive in others and therefore not in keeping with the spirit and intent of the zoning regulations. It is clear that N.V. Homes attempted to fit its homes lots previously laid out by Petitioners. The variances for Lots 14, 15, 16 and 17 will be granted with restrictions as in those cases, it is felt the requests are reasonable and within the spirit and intent of the B.C.Z.R. The desirability of Laving windows on the sides of a home for

the reasons earlier discussed are valid. Potential purchasers can choose for themselves as to whether the variance granted herein will adversely affect the enjoyment of their property. The variance requested for Lot 18, which is larger than that requested for Lots 14, 15, 16 and 17, creates more of a problem; however, to deny the request would result in either building a house on the lot that is not in keeping with the design and style of the adjoining Lots 1 through 26, or result in re-designing many of the lots in the subdivision which, as argued, would create a practical difficulty for the Petitioners. In light of the desire of a potential purchaser to have a compatible home with others in the neighborhood and the practical difficulty which could be created for Petitioners, the variances for Lot 18 will be granted with restrictions.

With respect to Lots 28, 29, 30 and 31, Petitioner could re-adjust lot lines to create three lots in lieu of the four proposed with adequate space to either meet the setback requirements or be more in keeping with the spirit and intent of the B.C.Z.R. The testimony presented by Petitioners in these instances was in support of a matter of convenience rather than of the necessity for the variances. In the opinion of the Deputy Zoning Commissioner, the variances requested were excessive. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variances requested for Lots 28 through 31 must be denied.

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested for Lot 14 should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____ day of March, 1989 that the Petition for Zoning Variance to permit a window to property line distance of 10 feet in lieu of the required 15 feet, in accordance with Petitioner's Exhibit 1, and to amend the Final Development Plan of The Fields At Seminary, Lot #14 accordingly, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall prepare a site plan of the 31lot development known as The Fields at Seminary II of a minimum size as that submitted herein, identified as Petitioner's Exhibit 5, which shall reflect each variance granted for the development in a manner similar to that set forth in Petitioner's Exhibits 4A and 4B setting forth on the site plan the variances granted for each lot. Said plan shall be shown to and acknowledged as seen by each potential buyer of Lots 1 through 31 prior to the sale of any lot.

3) Petitioners shall cause the deeds for Lots 14 through 18 to specifically reference the zoning case applicable to each lot.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

5) Petitioner and Contract Purchaser shall not request any further variances for Lot 14.

> 1 M Nustanowia ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

AMN:bjs

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

March 3, 1989

Robert J. Ryan, Esquire 4111 E. Joppa Road Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE

N/S Eastport Court, 15' E and opposite the c/l of Marblehead Road (8 Eastport Court - Lot 14) 8th Election District - 3rd Councilmanic District T.W.S., Inc. - Petitioner Case No. 89-280-A

Dear Mr. Ryan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, Um M Nko terowica

Deputy Zoning Commissioner

ANN M NASTAROWICZ

for Baltimore County

AMN:bjs

cc: Ms. Mary Ginn 606 Horncrest Road, Towson, Md. 21204 PETITON FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-280-A

The undersigned, legal owner(s) of the property situate in Baitimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B01.2.C.6, 504 (V.B.6,b. CMDP) To allow a window to property line distance of 10 ft in lieu of the required 15 ft for Lot #14 and to amend the Final Development Plan of The Fields at Seminary, Lot #14 to allow same.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Reduction in size of standard units impractical for builder. 2. Smaller units would be inconsistant with other units in subdivision. 3. Smaller units would be incompatable with the concept and intent of development in the immediate and surrounding neighborhoods.

LOT # 14 #8 EASTPORT COURT Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s): T.W.S. Inc.
(Type or Print Name)	(Type or Print Name)
Signature	Signature DOUGLAS C. CORBIN, V.P.
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	057 1000

-----------(Type or Print Name) _______ City and State Signature

knock postables was representative to be contacted STEVEN L. FADER
DEVELOPMENT ENGINEERING CONSULTANTS, INC. City and State 6603 YORK ROAD Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this ____

1988, that the subject matter of this petition be advertised, as

People's Counsel

TO STORE - M. .

Dennis F. Rasmussen

MON. / TUESS. / WID. - NEXT 140 MONTHS

xh

BALTIMORE, MARYLAND 21236

I/We do solemnly declare and affirm,

4111 E. JOPPA ROAD (301) 256-1000

WATED LENGTH OF HEARING (-1/24R)

BALTIMORE, MD. 21212 (301) 377-2600

under the penalties of perjury, that I we



DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE REQUEST

OUTLINE DESCRIPTION OF LOT NO. 14 OF THE FIELDS AT SEMINARY

11, ALSO BEING KNOWN AS #8 EASTPORT COURT. LOCATED IN THE 8TH

ELECTION DISTRICT OF BALTIMORE (JNTY, MARYLAND.

Beginning for the same at a point on the northern-most rightof-way line of Eastport Court; said point being distant 95 ± feet
easterly from the centerline of Marbelhead Road right-of-way,
thence running for the following 4 courses and distances viz:
(1) North 80 degrees 06 minutes 47 seconds West, 80.00 feet; (2)
North 09 degrees 53 minutes 13 seconds East, 171.61 feet; (3)
South 89 degrees 56 minutes 30 seconds East, 81.19 feet; (4) South
09 degrees 53 minutes 13 seconds West, 185.47 feet to the point of
beginning.

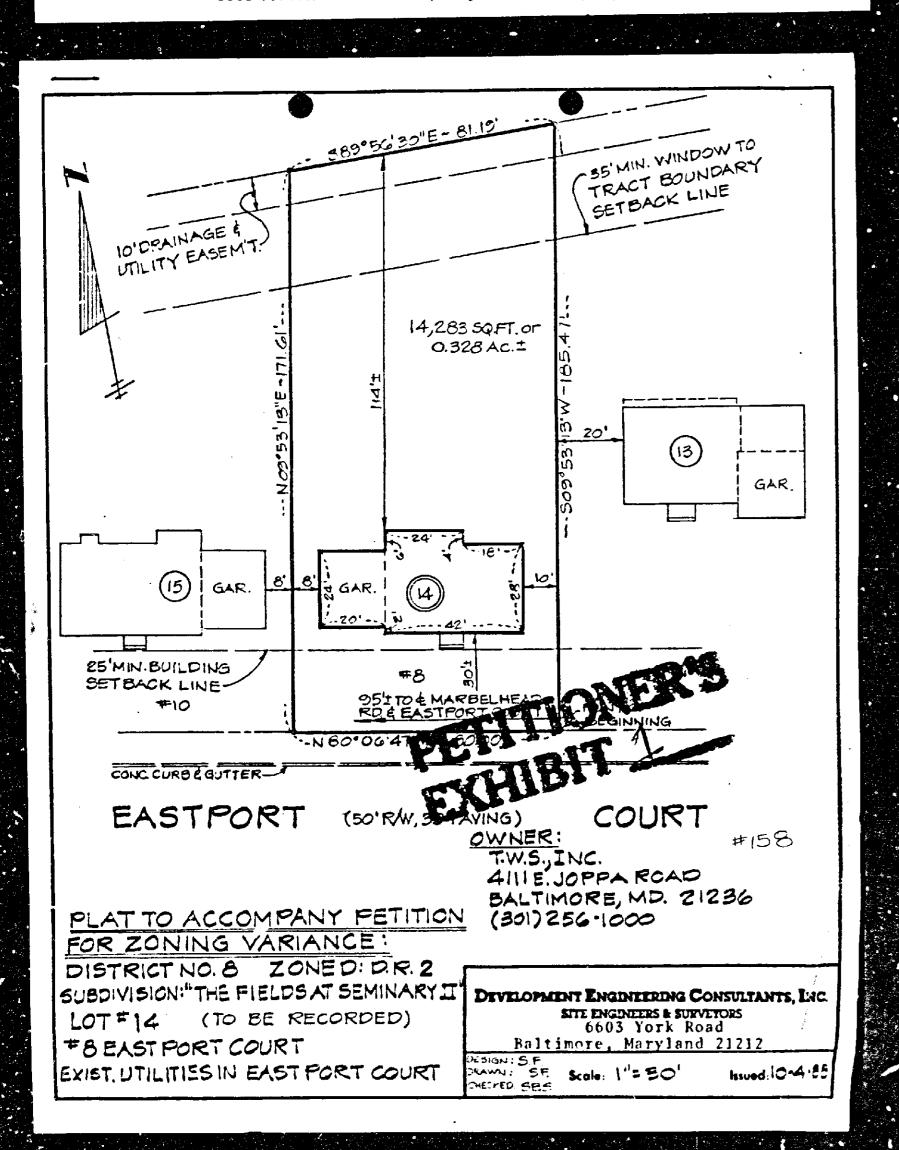
Containing 0.328 acres of land more or less.

Being the same parcel as shown on a plat entitled "The Fields at Seminary II", to be recorded.

88-102

10-07-88

6603 York Road Baltimore, Maryland 21212 (301) 377-2600



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

158

JAN 0 6 158

T.W.S., Inc.
4111 E. Joppa Road
Baltimore, Maryland 21236
ATTN: DOUGLAS C. CORBIN

BIN

RE: Petition for Zoning Variances
CASE NUMBER: 89-280 A

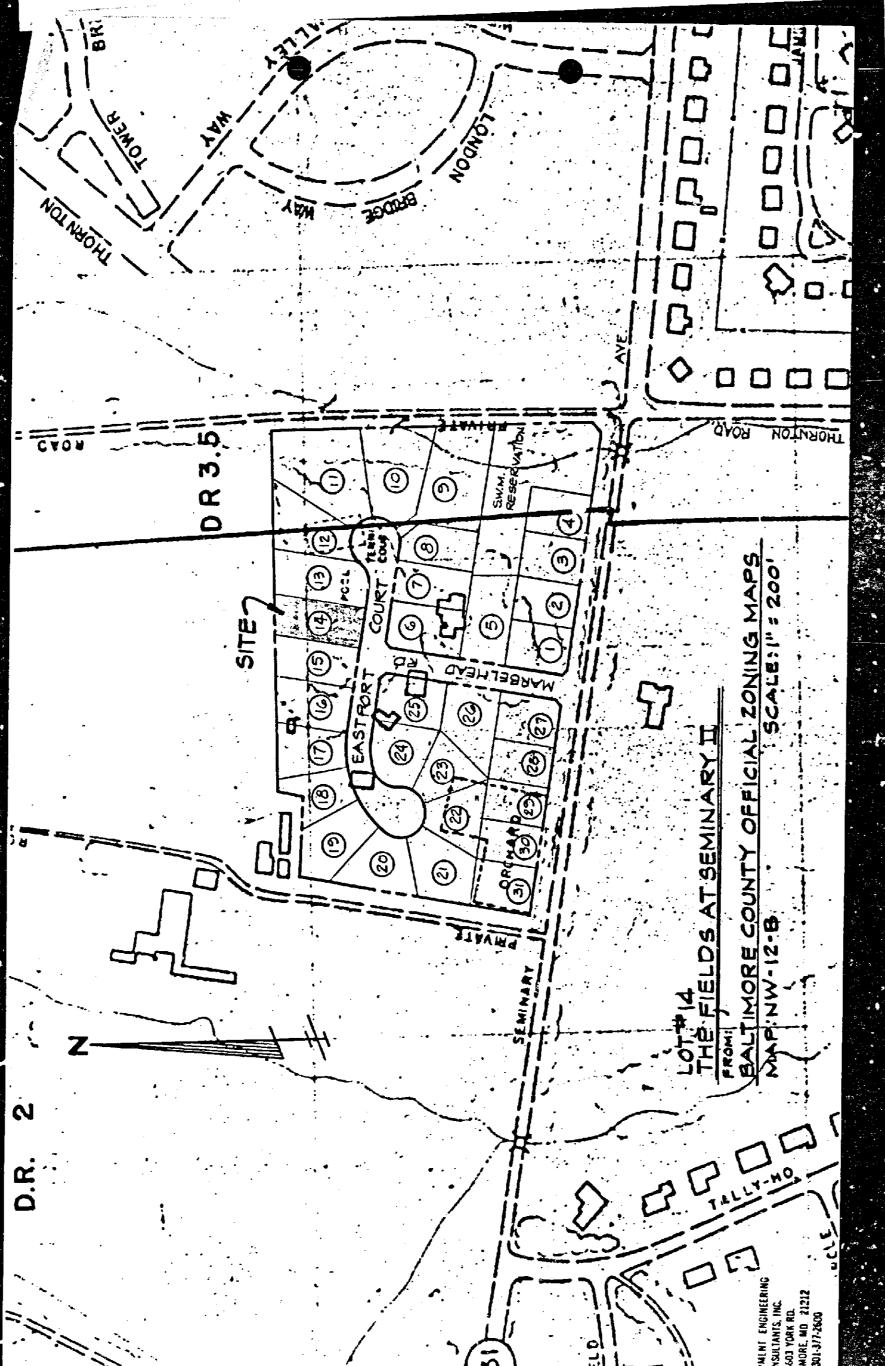
Contlemen:

Please be advised that \$ \(\frac{1}{1} \) is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office unit1 the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign & post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

before your hearing is schedu	and the second s	n & post set(s), ove fee for each such
OFFICE OF FINANCE - REVENUE DIVISION OFFICE OF FINANCE - REVENUE DIVISION	וטק	s,
DATE ZSJANS9 ACCOUNT R-01-	1	
RECEIVED T.W.S. INC	N s	ES ioner of ty
POSTING & ADVECTISING (8		-
FOR: 8 777 - 4 7 4 7 7 7 7 7 7 7 7 7 7 7 7 7 7		



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 8th

Posted for:

Petitioner:

I w 5 IN 6:

Location of property: Morth side of East fort Count, 15 to and

Oppforte the CIL of marks had food (Fot 14)

Location of Signer Worth side of Seminary avenue at the

Lacturarities of Marks had Possel

Remarks:

Posted by I g anather Date of return: Jan 13-88

Number of Signs:

NOTICE OF HEARING

The Zoning Commissions

Baltimore County, by suffority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204

Petition for Zoning Variance
Case number: 89-280-A
NS Eastport Court, 15' E &
opposite c/l Marbelhead
Road
8 Eastport Court (Lot 14)
8th Election District
3rd Councilmanic
Petitioner(s):
T.W.S., Inc.

missioner with nowever, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
01/015 Jan. 5.

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN TOWSON TIMES,

89-280-A

5. Zehe Olm

PO 07853 reg M25145 case 89-280-A price 100.05 Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



NOTICE OF HEARING

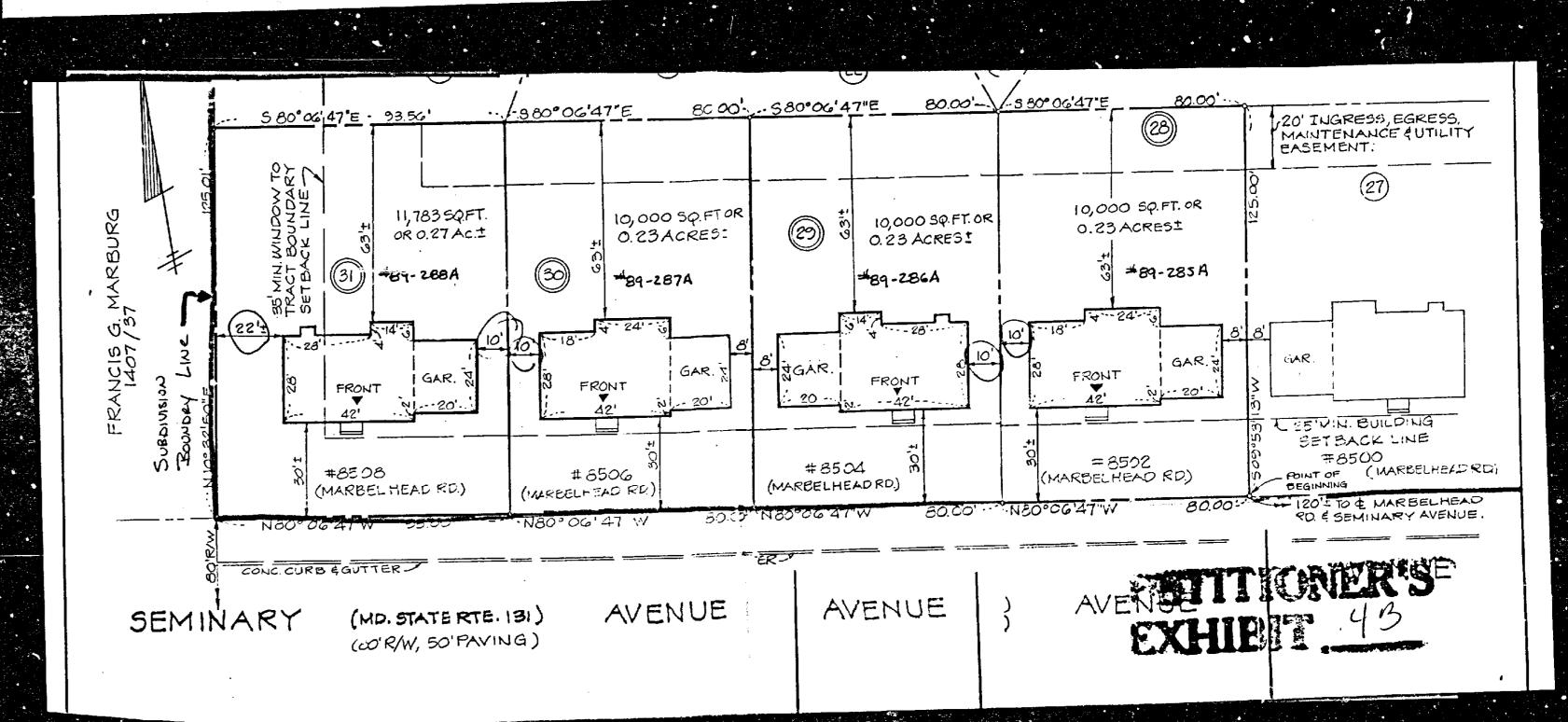
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

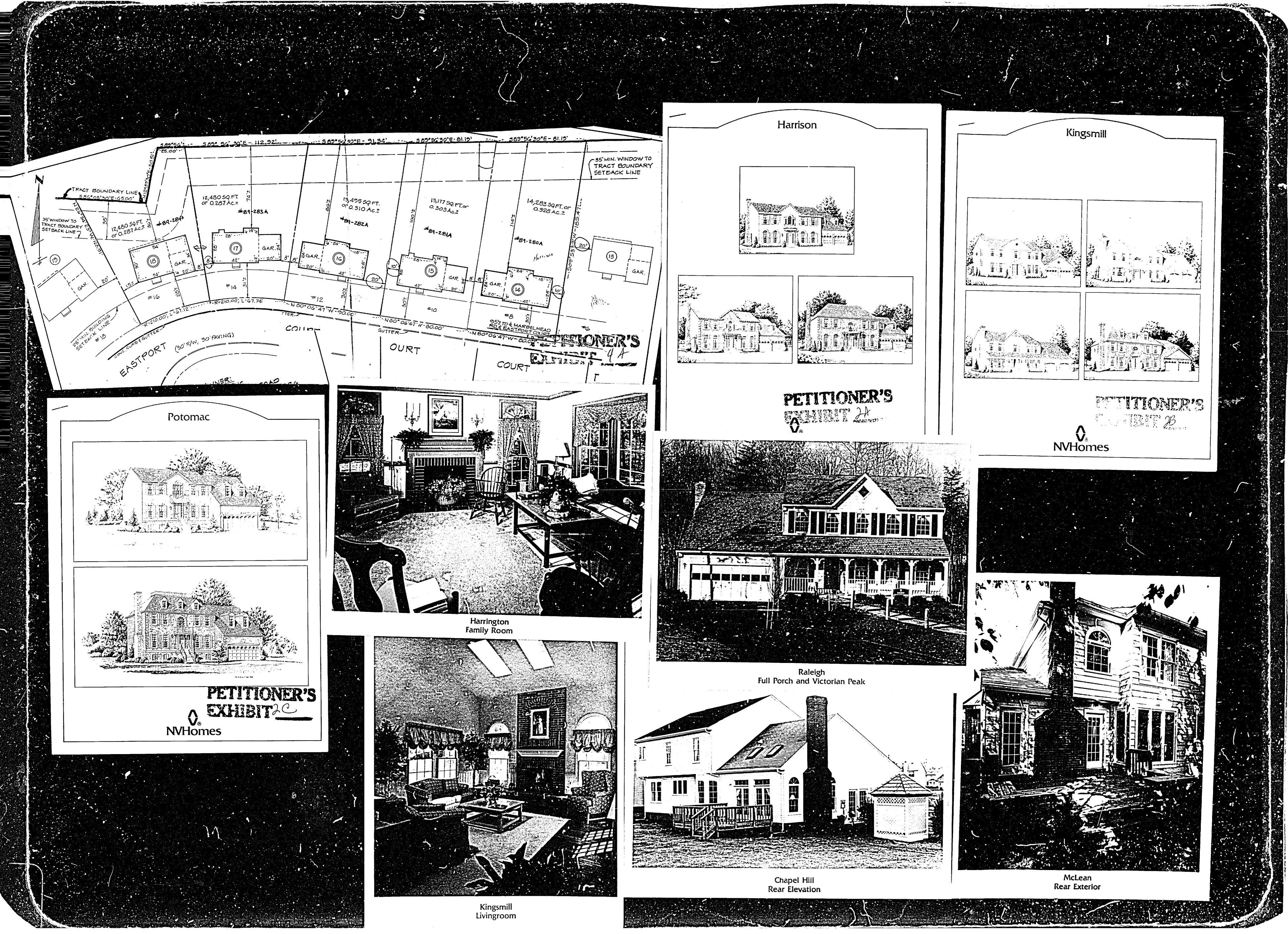
PETITION FOR ZONING VARIANCE
Case Number: 89-280-A
NS Eastport Court, 15' E & opposite c/l Marbelhead Road
8 Eastport Court (Lot 14)
8th Election District - 3rd Councilmanic
Petitioner(s): T.W.S., Inc.
HEARING SCHEDULED: WEDNESDAY, JANAURY 25, 1989 at 9:30 a.m.

Variance to allow a window to property line distance of 10 feet in lieu of the required 15 feet for Lot #14 and to amend the Final Development Plan of The Fields at Seminary, Lot #14 to allow

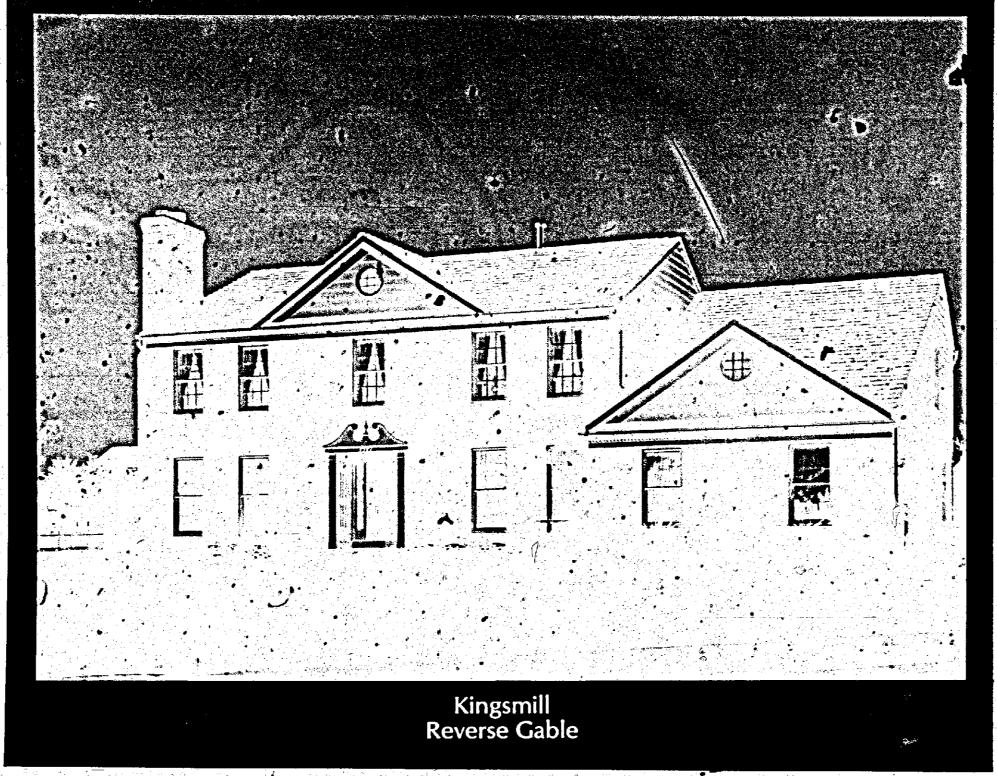
In the event this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

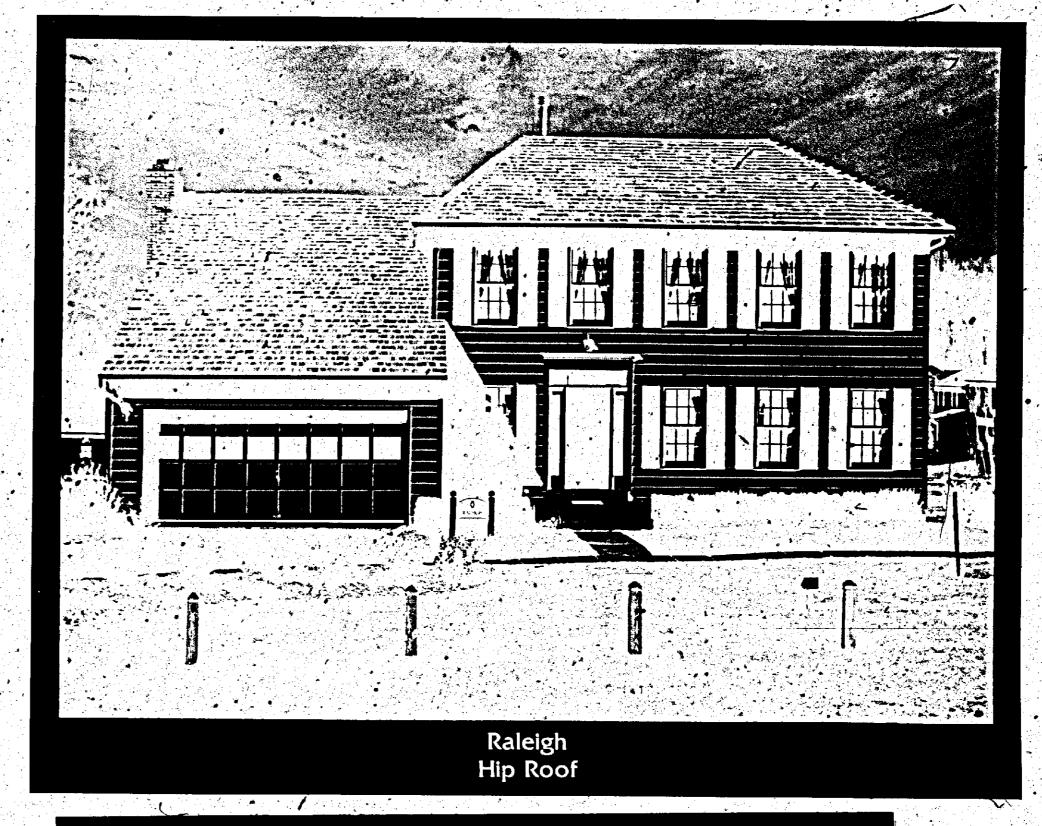
J. ROBERT HAINES Zoning Commissioner o

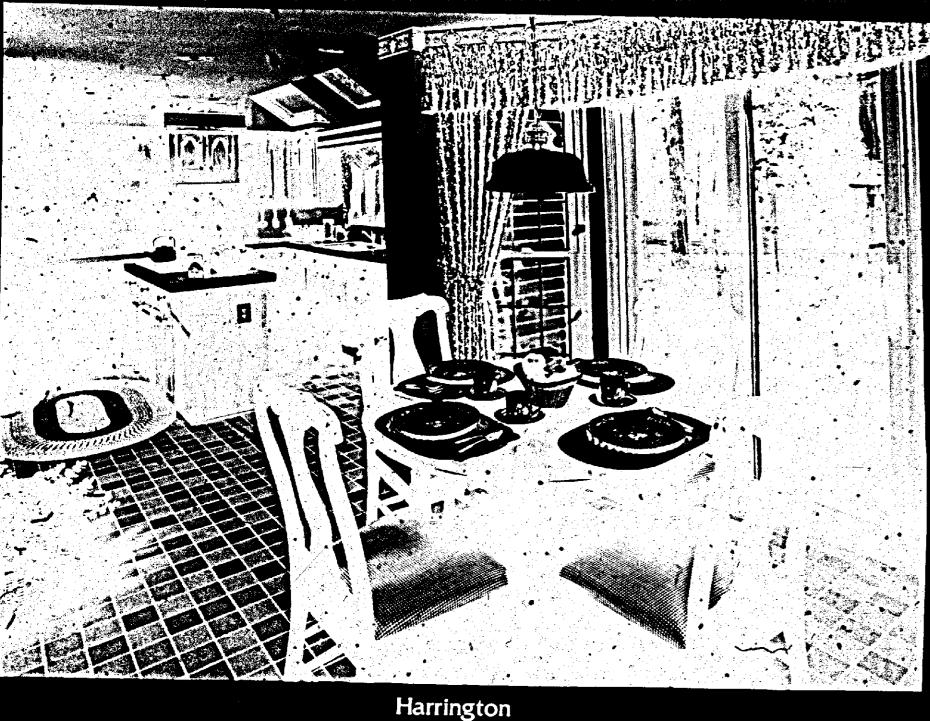










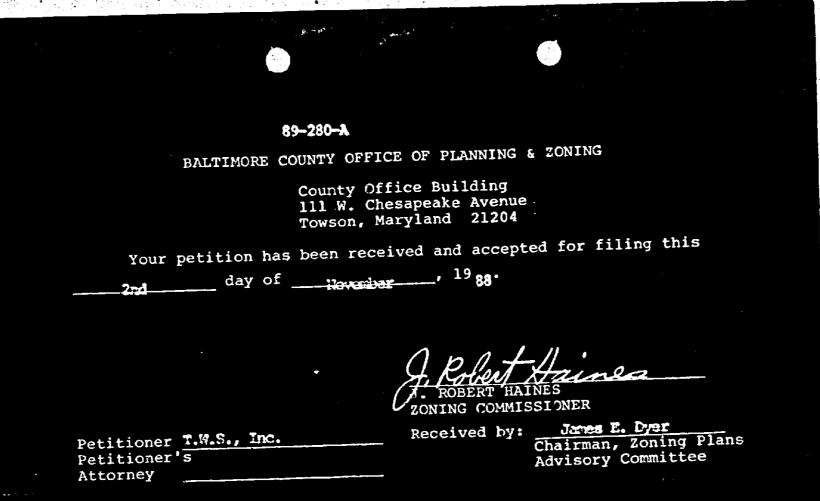


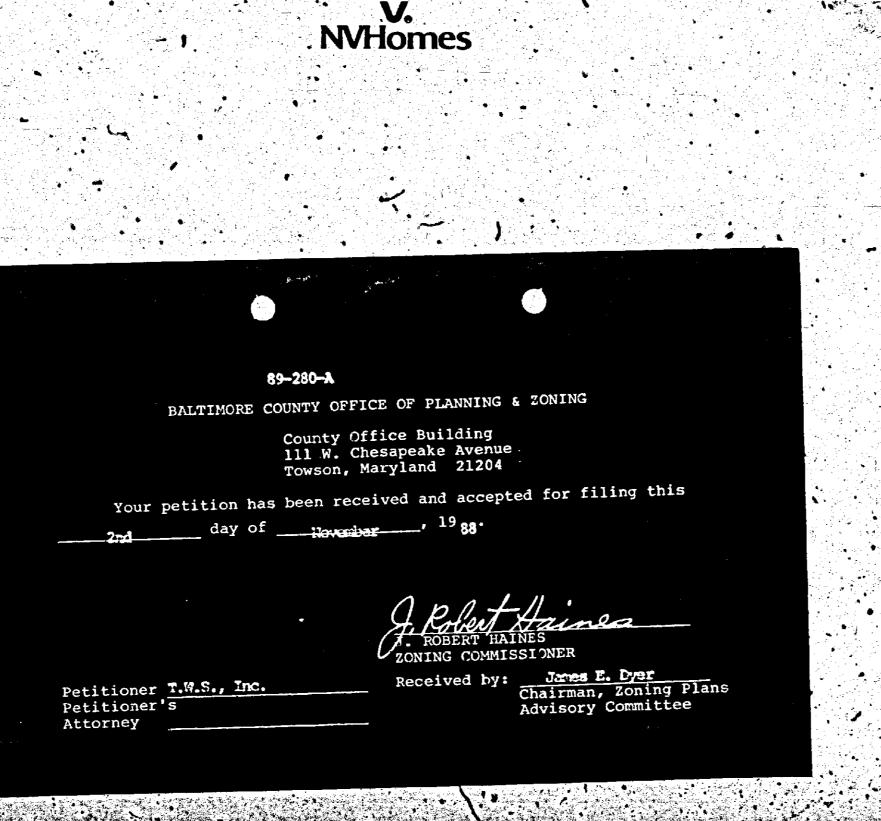
Kitchen and Breakfast Area

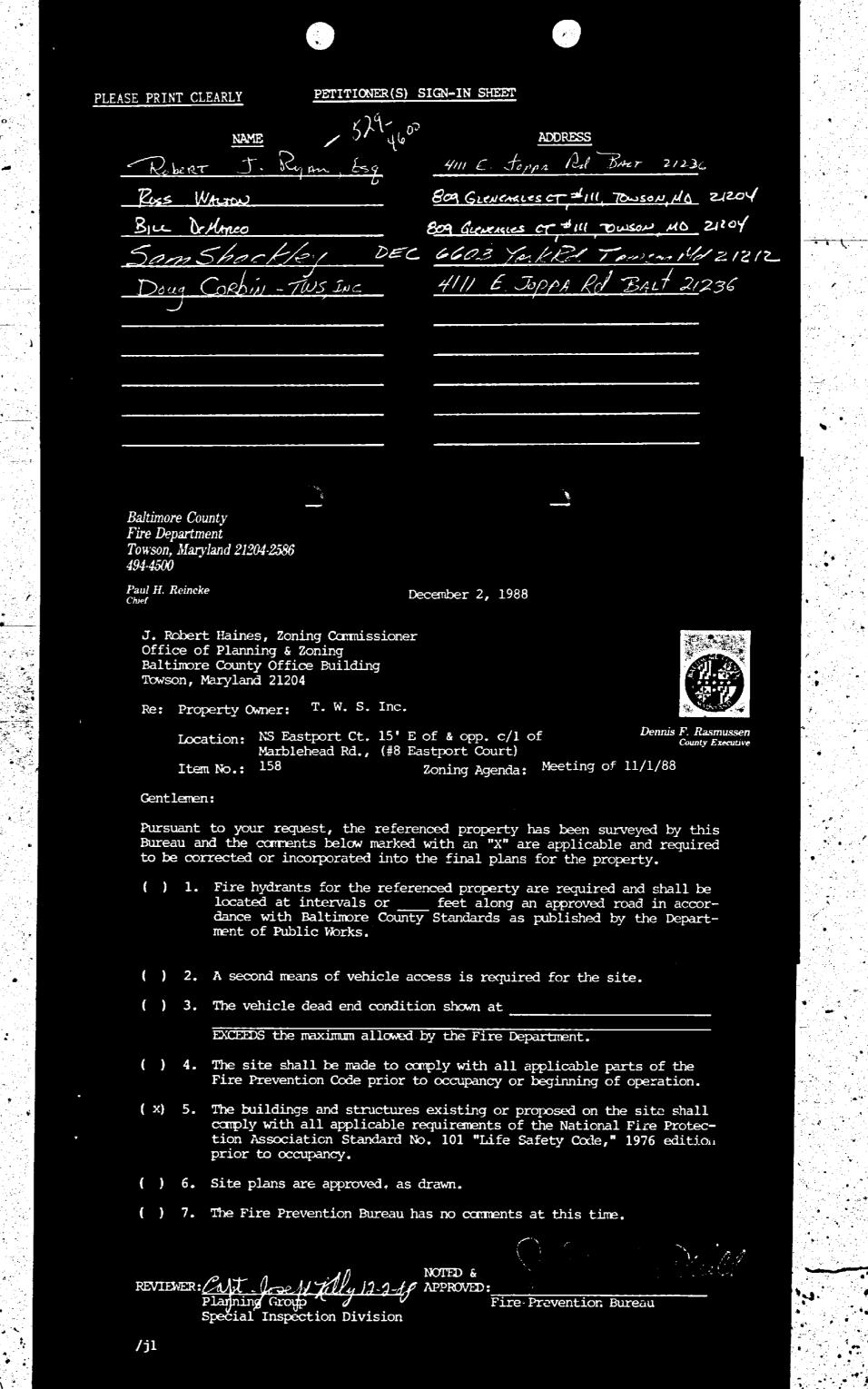
Chapel Hill

Family Room and Breakfast Area









BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE BLDG. 111 M. Chesapeake Ave. Towson, Maryland 21204

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HEHBERS

Burnau of Engineering Department of Traffic Engineering State Roads Commission

Bureau of Fire Prevention Health Department Project Planning

Building Department

Board of Education
Zoning Administration

Industrial Development

Douglas C. Corbin, Vice President T.W.S., Inc. 4111 East Joppa Road Baltimore, Maryland 21236

> RE: Item No. 158, Jase No. 89-280-A Petitioner: .W.S., Inc. Petition for Zoning Variance

Dear Mr. Corbin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James & Dyer/dt

JAMES E. DYER

Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Steven L. Fader
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

November 25, 1988



Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

ZAC - Meeting of November 1, 1988 Item Nos. 158, 159, 160, 161, and 162.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 158, 159, 160, 161, and 162.

Michael S/Flanigan
Traffic Engineer Associate II

MSF/lvw







ZONING OFFIC

Deputy Zoning Commissioner
Baltimore County
Department of Planning & Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

DATE January 26, 1989

SUBJECT Fields at Seminary II Our Contract: 88-102

Attention: Ms. Anne Naftarowicz

We are enclosing herewith, 1 print of the Approved FDP for the Fields at Seminary II. This is the print that you requested to be marked Exhibit 5 for Zoning Petition Nos. 89-280-A through 89-288-A for hearing that was held on January 25, 1989.

Please do not hesitate to contact us at 377-2600, if you have any questions or need any additional information.

Very truly yours,

Samuel B. Shockley
Vice President

Enclosures

Item # ML5N72 The Drawing Board, Dallas, Texas 75266-0429

FOLD AT (-) TO FIT DRAWING BOARD ENVELOPE # EW 10P

